IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUATION SHEET
SECOND APPEAL NO.676 OF 2004

.....

Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.	Court's or Judge's orders

.....

Mr.P.P.Chavan i/b Mr.V.M.Bhate for the Appellant

CORAM: A.S.OKA, J.
DATED: AUGUST 7, 2006.

P.C.:

1. Heard Shri Chavan for the Appellant. He submitted that the Appellant was not permitted to examine handwriting expert to give opinion about the thumb impression of the deceased. He, therefore, submitted that the impugned Judgments and decrees are vitiated.

2. I have considered the submissions. Apart from the opinion of handwriting expert, the other material on record has been considered by both the courts below. After considering the oral and documentary evidence on record the courts below have recorded a concurrent finding of fact that the Appellant-Plaintiff failed to prove

that the will dated 9th April 1985 still survives as it is not revoked properly. After appreciating the oral and documentary evidence on record, the case made out by the original Defendant Nos.1 and 4 as regards revocation of the will dated 9th April 1985 has been accepted by the courts below.

3. No substantial question of law arises. Second Appeal is dismissed with no order as to costs.

Judge.